

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**CITY OF DETROIT’S *EX PARTE* MOTION FOR AN ORDER
(I) ADJOURNING HEARING ON CERTAIN RESPONSES FILED TO
THE CITY’S TWENTIETH AND TWENTY-EIGHTH THROUGH
THIRTY-FOURTH OMNIBUS OBJECTIONS TO CLAIMS, AND
(II) ESTABLISHING A PROCESS FOR HEARING THESE
OBJECTIONS AND RESPONSES TO THEM**

The City of Detroit (“City”) moves for the entry of an *ex parte* order pursuant to Rule 5071-1(a) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Eastern District of Michigan and 11 U.S.C. § 105(a) providing for an orderly procedure by which the omnibus objections to claims filed by the City and creditor responses to these objections may be heard and resolved. In support of this *Ex Parte* Motion, the City respectfully states as follows:

INTRODUCTION

1. On February 26, 2016, the City filed the Twentieth through the Thirty-Fourth Omnibus Objections (collectively, the “Objections”). The basis for the Twenty-Eighth through the Thirty-Fourth Objections was that the filing

creditor had not provided sufficient documentation for the City to ascertain the validity of the claimant's claim.

2. Fifty-three responses to the Objections have been filed with the Court and not stricken for filing deficiencies as of this filing, though a number remain pending. These responses are identified in the attached Exhibit 6-A.¹ The deadline for filing additional responses has passed. Most of the responses arrived recently.

3. Currently, all 53 responses and the Objections to which they were made are scheduled for hearing in a single hearing, set for the afternoon of Wednesday, March 30, 2016.

4. Approximately 38 of these 53 responses appear to raise a common issue, alleging that the City improperly breached employment obligations to these creditors, resulting in loss of wages and other monetary (and possibly non-monetary) benefits. The responses that raise this common legal theme are identified in Exhibit 6-A by a checkmark in the column labeled "CET" (collectively, the "Employee Obligation Claimants") because the City believes they arise from the imposition of either a concessionary agreement with the unions or the City Employment Terms (upon expiration of the existing contract). The City believes these responses, and the others, are not meritorious.

¹ Some respondents filed responses for more than one proof of claim, and thus, Exhibit 6A shows more than 53 lines, even though only 53 distinct responses were filed.

5. Consequently, the City believes that there may be economies for the Court, the City, and for creditors in addressing this apparent legal issue in a single hearing.

6. The City believes that resolution of this issue up front, before delving into the individual factual issues posed by the various claims and supporting responses is likely to be more efficient for the Court and the parties. Thus, the City proposes the following procedure to the Court, which it believes will streamline this process.²

- (a) The Court should adjourn the hearing on objections to, and responses timely and properly filed by, the Employee Obligation Claimants,³ and require the City to serve the Order that accomplishes this on the Employee Obligation Claimants in such a fashion that the Order is actually received by the Employee Obligation Claimants no later than Monday, March 28. The Employee Obligation Claimants would not need to attend the March 30 hearing.
- (b) The City should be required to file a brief explaining its position on this issue by April 21, 2016, and serve it on the Employee Obligation Claimants.

² This process is intended to be more efficient for the Court, the City, and creditors. The City invites the Court to amend, revise, or otherwise improve upon these suggestions as it deems appropriate.

³ Four of the Employee Obligation Claimants – Eddie Greer, LaTonya Pennington, Shelia Bell, and Teulania Richardson – also filed responses to the City’s Twenty-Third, Twenty-Fourth, or Twenty-Fifth Omnibus Objections, which dealt with pension claims. The City is not proposing to adjourn the March 30 hearing on Eddie Greer, LaTonya Pennington, Shelia Bell, and Teulania Richardson’s responses to the Twenty-Third, Twenty-Fourth, or Twenty-Fifth Omnibus Objections.

- (c) Employee Obligation Claimants may, but will not be required to, file an additional response, explaining their position to the Court on this issue by May 19, 2016.
- (d) The Court can schedule a hearing on this issue in June of 2016 at its convenience. Should the Court decide in the City's favor, then the claims of the Employee Obligation Claimants will be expunged (or altered in whatever manner the Court should rule). If the Court decides in favor of one or more of the Employee Obligation Claimants, further hearings can be held to determine the amount of such claims.

7. The City believes that a hearing on the legal issue raised by the Employee Obligation Claimants can be held in a much more efficient manner, and thus this process should make better use of the time of the Court and the parties. The City believes that most, if not all, Employee Obligation Claims can be resolved in an orderly process in this fashion. The alternative, attempting to hear 53 factual presentations during one afternoon, appears difficult, and may result in many of the respondents having their hearings adjourned. The City has already heard from a number of respondents that making the time for a Court hearing is difficult; making time to attend a hearing, only to have it adjourned would appear likely to cause unnecessary hardship on many respondents.

WHEREFORE, the City respectfully requests that the Court enter an order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as the Court deems appropriate.

Dated: March 24, 2016

By: /s/ Marc N. Swanson

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ATTORNEYS FOR THE CITY OF DETROIT

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

- Exhibit 1 Proposed Form of Order
- Exhibit 2 None [Motion Seeks Ex Parte Relief]
- Exhibit 3 None [Brief Not Required]
- Exhibit 4 Certificate of Service [Motion Seeks Ex Parte Relief]
- Exhibit 5 None [No Affidavits Filed Specific to This Motion]
- Exhibit 6 List of Respondents

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
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SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
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**ORDER GRANTING CITY OF DETROIT'S *EX PARTE* MOTION FOR AN
ORDER (I) ADJOURNING HEARING ON CERTAIN RESPONSES FILED
TO THE CITY'S TWENTIETH AND TWENTY-EIGHTH THROUGH
THIRTY-FOURTH OMNIBUS OBJECTIONS TO CLAIMS, AND
(II) ESTABLISHING A PROCESS FOR HEARING THESE
OBJECTIONS AND RESPONSES TO THEM**

This matter coming before the Court on *City of Detroit's Ex Parte Motion for an Order (I) Adjourning Hearing on Certain Responses Filed to the City's Twentieth and Twenty-Eighth Through Thirty-Fourth Omnibus Objections to Claims, and (II) Establishing a Process for Hearing These Objections and Responses to Them*. The Court, having reviewed the *Ex Parte* Motion and having found that notice of the *Ex Parte* Motion was sufficient under the circumstances; having determined after due deliberation that the relief requested in the *Ex Parte* Motion is in the best interests of the Debtor and its creditors; and good and sufficient cause having been shown;

IT IS HEREBY ORDERED THAT:

1. The *Ex Parte* Motion is GRANTED.

2. The hearing on the responses filed by the following individuals to the City of Detroit's Twentieth and Twenty-Eighth through Thirty-Fourth Omnibus Objections (collectively, the "Employee Obligation Claimants"), currently set for March 30, 2016, at 1:30 p.m. is adjourned to June __, 2016 at __:__ _m., in Courtroom 1925, 211 West Fort Street Bldg., Detroit, MI 48226:

Althea F. Phillips	Dinah Bolton	Natalie Clemons
Andre R. Canty	Eddie Greer	Otis Butler
Antonio Domingo Ratliff	Enos P. Walker	Patrick Chlosta
Benjamin Hogue	Gerald Murphy	Roderick French
Carmelita Brown Bullock	Harriett Cook	Ronnie Jordan
Charles Huskey	John Johnson	Sharon K. Jordan
Chukwuma Udegbumam	Joseph Fields	Shelia Bell
Corey Thomas	Kahlil Felder	Stephanie Hogue
Craig Steele	Kanard McClain	Teulaina Richardson
Damon Osley	Kathy L McCaskill	Toni Baldwin
Daris Howard	Kevin Washington	Vetonia Dorch
Deirdre Green	LaTonya Pennington	Wanda Beckom White
Denise Williams	Michael Cooper	

3. The City must serve this Order on the Employee Obligation Claimants in such a fashion that the Order is actually received by the Employee Obligation Claimants no later than Monday, March 28.

4. The City must file a brief explaining its position on why the issue collectively raised by the Employee Obligation Claimants (namely, that the City improperly breached employment obligations to the Employee Obligation

Claimants) fails as a matter of law by April 21, 2016, and serve it on the Employee Obligation Claimants.

5. Employee Obligation Claimants may, but are not required to, file an additional response, explaining their position to the Court on this issue by May 19, 2016. The Court may set further hearings at its discretion to resolve the claims asserted by Employee Obligation Claimants.

6. A hearing on the responses filed by Eddie Greer, LaTonya Pennington, Shelia Bell, and Teulaina Richardson to the City's Twenty-Third, Twenty-Fourth, or Twenty-Fifth Omnibus Objections will still be held on March 30, 2016 at 1:30 p.m. in Courtroom 1925, 211 West Fort Street Bldg., Detroit, MI 48226.

7. The Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

EXHIBIT 2

Not Applicable

EXHIBIT 3

Not Applicable

EXHIBIT 4 – CERTIFICATE OF SERVICE

Not Applicable

EXHIBIT 5

Not Applicable

EXHIBIT 6A

Respondents to Omnibus Objections

Claimant	Claim No.	Doc. No.	Objection No.	CET
Enos P. Walker	2610	10907	20th	X
Devon Smith	963	10839	22nd	
Annie J. Kuykendall	3380	10904	23rd	
Beverly Welch	3616	10805	23rd	
Carol Jean Finley	2359	10881	23rd	
Dennis E. Nessel	3564	10898	23rd	
Eddie Greer	2538	10852	23rd	
Wanda Jan Hill	1851	10905	23rd	
LaTonya Pennington	2744	10865	24th	
Shelia Bell	2995	10874	25th	
Teulaina Richardson	3334	10795	25th	
Althea F. Phillips	2325	10860	28th	X
Andre R. Canty	2096	10821	28th	X
Antonio Domingo Ratliff	3131	10910	28th	X
Belinda Ellis	1963	10864	28th	
Benjamin Hogue	2598	10837	28th	X
Bradford Comit Jr.	1211	10849	28th	
Carmelita Brown Bullock	1654	10885	28th	X
Da'Neen Brooks	3383	10897	28th	
Dinah Bolton	3522	10841	28th	X
Charles Huskey	3402	10847	29th	X
Chukwuma Udegbumam	3212	10859	29th	X
Corey Thomas	1829	10911	29th	X
Craig Steele	3411	10899	29th	X
Damon Osley	3391	10879	29th	X
Damon Osley	3443	10879	29th	X
Daris Howard	2501	10824	29th	X
Deirdre Green	1894	10902	29th	X
Deirdre Green	1896	10902	29th	X
Denise Williams	1898	10909	29th	X
Eddie Greer	2536	10852	29th	X
Harriett Cook	1892	10919	29th	X
Harriett Cook	1893	10919	29th	X

Claimant	Claim No.	Doc. No.	Objection No.	CET
George Pieprzyk	1906	10903	30th	
Gerald Murphy	3442	10894	30th	X
Jacqueline Knowles	1918	10863	30th	
John Johnson	1686	10884	30th	X
Joseph Fields	3482	10920	30th	X
Kahlil Felder	2743	10883	30th	X
Kanard McClain	3379	10814	30th	X
Kathy L McCaskill	1809	10901	30th	X
Kevin Washington	1996	10886	31st	X
LaTonya Pennington	2738	10865	31st	X
Debra Ann Martin	1016	10848	32nd	
Michael Cooper	1891	10908	32nd	X
Michael Cooper	1979	10908	32nd	X
Natalie Clemons	1741	10892	32nd	X
Natalie Clemons	2060	10892	32nd	X
Natalie Clemons	2061	10892	32nd	X
Natalie Clemons	2074	10892	32nd	X
Natalie Clemons	2102	10892	32nd	X
Otis Butler	1999	10896	32nd	X
Patrick Chlosta	2010	10895	32nd	X
Shelia Bell	2893	10872	32nd	X
Raju K. Markose	3272	10861	33rd	
Robert A. Lukasik	1482	10900	33rd	
Roderick French	2842	10912	33rd	X
Ronnie Jordan	3417	10906	33rd	X
Sharon K. Jordan	1817	10891	33rd	X
Stephanie Hogue	3168	10838	33rd	X
Stephanie Hogue	3215	10838	33rd	X
Stephanie Hogue	3216	10838	33rd	X
Vetonia Dorch	1985	10836	33rd	X
Wanda Beckom White	3397	10882	33rd	X
Teulaina Richardson	3214	10795	34th	X
Toni Baldwin	3452	10887	34th	X